



TOWN OF WILBRAHAM

Zoning Board of Appeals
240 Springfield Street
Wilbraham, Massachusetts 01095

MINUTES OF THE WILBRAHAM BOARD OF APPEALS MEETING THURSDAY, APRIL 21, 2016 5:15 PM

In Attendance: Edward Kivari Jr., Chair; Mark Albano, Charles Pelouze
Staff: Lance Trevallion, Zoning Enforcement Officer
John Pearsall, Planning Director
Heather Kmelius, Administrative Assistant

The meeting was called to order at 5:42 PM by Chairman Kivari.

1. **Approval of Minutes**

Chairman Kivari called for a motion to approve the minutes of the February 18, 2016 meeting as submitted.

The Board reviewed and accepted the minutes as submitted and Chairman Kivari signed the minutes.

2. **Public Hearing**

Special Permit Amendment – Kid’s Dentist Realty, LLC, 1984 Boston Road
Allow Additional Accessory Overflow/Employee Parking at 40 Dumaine Street
(Digitally recorded)

Chairman Kivari opened the public hearing and read the legal notice into the record. Dr. Robert Matthews requested an amendment to the Special Permit issued on January 8, 2015 to allow overflow and employee parking accessibility at 40 Dumaine Street, a non-adjacent 7,300 square foot parking lot that would be accessed by a crosswalk. Planning Director John Pearsall clarified that the property address referenced on the public hearing notice should have referenced the dental practice office address of 1984 Boston Road, rather than 2041 Boston Road.

The practice at 1984 Boston Road was recently opened by Dr. Matthews. Dr. Matthews intends to lease the property for one year and purchase the property subsequently. He anticipated the need for use of this parking lot as he is running a similar adult and pediatric practice in West Springfield, MA. Dr. Matthews sees on average five patients per half hour and each child patient is accompanied by an adult and a possible sibling(s) during his business hours of 8:00 AM – 4:00 PM. In his experience, the additional people attending an adult and pediatric practice increase the demand for parking.

Don Frydryk of Sherman & Frydryk, LLC appeared before the Board to present the project plans allowing employees and patients access to the non-adjacent parking lot. Mr. Albano discussed the letter dated April 11, 2016 from the Director of Public Works, Edward Miga, Jr., P.E. regarding concerns about the proposed site drainage. Although Mr. Frydryk had not reviewed the referenced letter, he stated he had spoken directly with Mr. Miga and believes that the drainage concerns specific to winter weather could be addressed.

Charles Pelouze explained concerns regarding the lack of a proposed lighting plan and possible fencing for the parking lot back perimeter line at 40 Dumaine Street that abuts the train tracks. Chairman Kivari expressed additional concerns focused on the location of the crosswalk which is approximately 40-45 yards from the corner. He stated that he has concerns regarding children crossing the road with the reported high volume and speed of traffic, as well as with the non-lighted proposed crosswalk signal. Zoning Enforcement Officer Lance Trevallion stated the possibility of renting lighting from National Grid for the proposed lot. Discussion pursued regarding the specific language and interpretation of the pertinent by-laws referenced in the Memorandum dated May 20, 2015 composed by Planning Director Pearsall, specifically citing Paragraphs 8, 10 and 11.

The Board suggested the consideration of a lighted crosswalk signal, a parking lot lighting plan, street signs, speed limit signage in both directions, and fencing by the train tracks on the back of the lot prior to approval of the special permit amendment. The Board agreed to continue the hearing to May 26, 2016.

The public hearing was closed at 6:18 pm.

**MOTION (Kivari, Pelouze): To continue the public hearing to Thursday, May 26, 2015 at 5:30 pm.
Approved (3-0).**

**3. Appointment – Mary McNally – Wilbraham Country Club, 859 Stony Hill Road
Administrative Review of Proposed Patio Design
Special Permit – March 22, 2007**

Chairman Kivari read into the record the letter dated April 13, 2016 and signed by Mary McNally, President of the Country Club of Wilbraham. The Country Club of Wilbraham is requesting administrative approval from the Board to amend the existing special permit originally issued September 6, 2001 and further amended on March 22, 2007. Ms. McNally and Mr. Mark Nowack, the founder of the Golf Association of Wilbraham, a 501(c)(3) with the purpose of fundraising for the Wilbraham Country Club appeared before the Board to present the design plans for a covered patio. The property in this matter is owned by the town, leased by the Country Club of Wilbraham, and the funding for the project is originating from the Golf Association of Wilbraham. Ms. McNally stated that Community Preservation funds were not available for this project. The Country Club of Wilbraham's Board approved this project as a capital improvement project. The proposed patio area is 3,700 square feet, with a 750 square foot free standing covered patio that will be 25.4 feet from the main building. The covered patio is estimated to cover approximately 40-60 people for outdoor seating. Cooley Contracting, LLC is the builder and St. Clair Landscaping and Nursery is doing the landscaping and stone work. The estimated cost is \$132,000 for the building structure and \$20,000 for the roof. The only change to the existing clubhouse is the relocation of one door. Chairman Kivari stated that the revised patio plan changes are aesthetic, not structural in nature and determined to be a de minimis amendment in this matter.

MOTION (Albano, Kivari): To administratively approve the Special Permit amendment and approve the changes to the patio design conditioned upon the recording of all special permit decisions in the Hampden County Registry of Deeds.

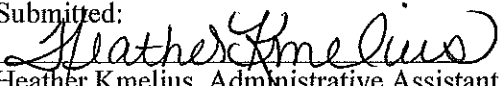
4. **Enforcement Order – Family Day Care**
Gore Residence – 57 Bartlett Ave
Public Hearing – Zoning Amendment, May 11, 2016

Zoning Enforcement Officer Lance Trevallion stated that Deb Gore has petitioned an article to be heard at Town Meeting seeking the town by-law allowing six children in attendance at a home daycare be increased to ten children in order to be in synch with Massachusetts licensing. ZEO Trevallion explained that Mrs. Gore's daycare was recently licensed by the state of Massachusetts to care for ten children, despite the town's by-law restricting the daycare to only six. Based on the longevity of Mrs. Gore's daycare dating back to the 1970s prior to the town's by-law implementation, she never obtained a Special Permit from the Zoning Board of Appeals to operate as she was grandfathered to operate with six children. ZEO Trevallion stated that Mrs. Gore has lost her grandfathered status now that her enrollment has surpassed the town's by-law specification. Planning Director John Pearsall will research the grandfathered status and its applicability in this matter.

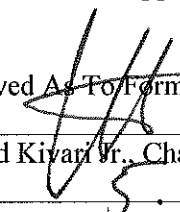
ZEO Trevallion explained that the zoning amendment proposal initiated by Mrs. Gore is a result of a zoning enforcement issue regarding a neighbor's complaint about her daycare's recent enrollment increase. The complaint outlined that the increased enrollment was causing problems as the properties share an unpaved driveway. On April 1, 2016, an enforcement letter was sent to Mrs. Gore. On April 14, 2016, Mrs. Gore submitted a letter of intent to appeal the enforcement and requested an extension in this matter pending the Town Meeting voting results.

Having no further business, the meeting was adjourned at 7:19 PM. The Board of Appeals will reconvene on May 26, 2016 at 5:15 pm.

Submitted:


Heather Kmelius, Administrative Assistant

Approved As To Form And Content:


Edward Kivari Jr., Chairman

Date:

5.26.16

